



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROGER COLLINS

Application No. 09/902,515

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on October 18, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed an Information Disclosure Statement (IDS) on November 17, 2003 (Paper No. 10). It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

In addition, on page 9, in the Response to Argument section of the Examiner's Answer, the examiner makes reference to Computer Dictionary 143 (2d ed., Microsoft Press, 1994) and has

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attached a copy to the Examiner's Answer for reference. However, a review of the Answer reveals that the examiner has not listed the Computer Dictionary as prior art in the Answer.

Accordingly, it is

ORDERED that the application is returned to the examiner for resolution of the following issues:

(1) for consideration of the IDS filed on November 17, 2003 (Paper No. 10);

(2) notification to appellants in writing of consideration of IDS;

(3) for taking corrective action with respect to the Computer Dictionary reference;

(4) written notification to appellant, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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